

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, MICHELLE VELOTTA,
and **CHRISTINA LORENZEN** on Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

v.

**Varsity Brands, LLC; Varsity
Spirit, LLC; Varsity Spirit Fashion
& Supplies, LLC; U.S. All Star
Federation, Inc.; Jeff Webb;
Charlesbank Capital Partners
LLC; and Bain Capital Private
Equity,**

Defendants.

Case No. 2:20-cv-02892

**EXPEDITED MOTION AND
CERTIFICATE OF CONSULTATION
FOR LEAVE TO APPEAR IN
PRETRIAL CONFERENCE IN THE
MATTER DOCKETED AS:**

*American Spirit and Cheer Essentials, Inc.
et al. v. Varsity Brands, LLC et al., Case
No. 2:20-cv-02782*

Plaintiffs Jessica Jones, Michelle Velotta, and Christina Lorenzen recently filed the above-captioned action alleging a scheme by Defendants to create an illegal monopoly and to dominate the Cheer Competition, Cheer Apparel, and Cheer Camp markets. *See generally* Compl. (ECF. No. 1). Plaintiffs seek to represent a class of indirect purchasers/end payors¹ seeking injunctive relief under Section 16 of the Clayton Act for violations of Sections 1-3 of the Sherman Act, 15 U.S.C. §§ 1-3, damages under state

¹ Plaintiffs seek to represent a class of “[a]ll natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the “Class Period”) for: (a) registration, entrance, or other fees and expenses associated with participation in one or more Varsity Cheer Competitions; (b) Varsity Cheer Apparel; (c) Varsity Cheer Camp Fees; or (d) accommodations at one or more Varsity Cheer Competitions.” Compl. at p. 7 (ECF No 1).

antitrust laws² and unjust enrichment under Tennessee law, and declaratory relief under 28 U.S.C. § 2201 for violations of Sections 1, 2, and 3 of the Sherman Act, 15 U.S.C. §§ 1–3. Plaintiffs’ counsel obtained defendants’ agreement to waive service of the complaint under Fed. R. Civ. P. 4(d) and expect that process to be completed shortly.

Plaintiffs have filed a Memorandum of Support contemporaneously herewith and Defense counsel is not in opposition to the relief requested. Accordingly, Plaintiffs respectfully request leave to appear in the pretrial conference scheduled for December 16, 2020 at 10:00 a.m. in *American Spirit and Cheer Essentials, Inc. et al. v. Varsity Brands, LLC et al.*

CERTIFICATE OF CONSULTATION

Defense counsel has indicated they do not object to Plaintiffs’ appearance in the pretrial conference scheduled for December 16, 2020 at 10:00 a.m. in *American Spirit and Cheer Essentials, Inc. et al. v. Varsity Brands, LLC et al.*, and they consent to the same.

/s/ Van D. Turner
VAN D. TURNER

² Plaintiffs seek damages under laws of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, the District of Columbia, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin. *Id.* at 7-7, 53-56.

Dated: December 15, 2020

Respectfully submitted,

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